

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES U. PAYNE,

Plaintiff,

Case No. 18-cv-10814

Hon. Linda V. Parker

v.

Mag. Elizabeth A. Stafford

DEPUTY JUSTIN R. SAWYER, et al.,

Defendants.

**OPINION AND ORDER GRANTING DEFENDANTS' MOTION TO
STAY PROCEEDINGS (ECF No. 25)**

James U. Payne, Plaintiff, filed this lawsuit under 42 U.S.C. § 1983, alleging violation of his constitutional rights under the Fourth and Fourteenth Amendments. (ECF No. 1.) On September 14, 2018, Defendants filed the instant motion to stay proceedings due to Plaintiff's pending criminal case in state court. (ECF No. 25.)

Under the *Younger* doctrine, "a federal court should not interfere with a pending state criminal proceeding except in the rare situation where an injunction is necessary to prevent great and immediate irreparable injury." *Fieger v. Thomas*, 74 F.3d 740, 743 (6th Cir. 1996) (citing *Younger v. Harris*, 401 U.S. 37, 44 (1971)). The appropriate procedure is to stay the proceedings. *Brindley v. McCullen*, 61 F.3d 507, 509 (6th Cir. 1995). Invoking the *Younger* doctrine requires: (1) an on-going state judicial proceeding; (2) the proceedings must implicate important state

interests; and (3) an adequate opportunity in the state proceeding to raise constitutional challenges. *Sun Refining & Marketing Company v. Brennan*, 921 F.2d 635, 639 (6th Cir. 1990).

Presently, Plaintiff's criminal case remains open and pending in the Jackson County Circuit Court. *People v. James U. Payne*, Case No. 17005043 FH 38 (Jackson County Circuit Court)¹. Plaintiff's claims directly relate to his ongoing criminal prosecution; he alleges police misconduct during his criminal proceeding and requests the dismissal of his state criminal case. (ECF No. 1.) These issues, however, are best left for the state court to decide. Plaintiff also has an opportunity to raise these constitutional challenges in state court. Accordingly, the Court grants Defendants' motion to stay proceedings.

Accordingly,

IT IS ORDERED that Defendants' motion to stay (ECF No. 25) is **GRANTED**; and

IT IS ORDERED that Plaintiff's motion to vacate the scheduling order (ECF No. 20), motion to extend the witness list (ECF No. 26) and motion to amend the complaint (ECF No. 27) are **DENIED** without prejudice.

¹ As of October 1, 2018, James U. Payne's criminal case remained open.
<https://www.co.jackson.mi.us/597/Court-Records>

To avoid administrative difficulties, the Clerk shall CLOSE this case for statistical purposes only. Nothing in this decision or in the related docket entry shall be considered a dismissal or disposition of this matter.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: October 4, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, October 4, 2018, by electronic and/or U.S. First Class mail.

s/ R. Lory
Case Manager